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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James Thomas Edward McDonnell

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

04/02/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/657,237	Applicant(s) MCDONNELL ET AL.	
	Examiner KHAI M. NGUYEN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-13, and 23-24 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,14-17,19,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 8 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-20, and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 14, 19, and 25 are rejected under 35 U.S.C. 101 because the claims are directed towards non-statutory subject matter.

4. With respect to claims 14, 19, and 25, the claims are not limited to tangible embodiments. The claims recited a storage-readable storage medium. It can be reasonably interpreted that the machine-readable storage medium would include embodiments including propagation media, such as carrier waves, which fail to establish a statutory category of invention. Amending the specification as well as the claim to recite "a non-transitory storage-readable storage medium" is believed to be sufficient to overcome this rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 3-4, 9, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (U.S.Pat-5598459) in view of Zhang et al. (U.S.Pub-20020174335).

Regarding claim 1, Haartsen teaches a method for operating a communications device capable of communicating with a cellular communications service provider and a wireless computer network service provider, wherein the cellular communications service provider authenticates provider of the wireless computer network service running at a wireless hotspot, the method comprising:

receiving an indication of potential use the wireless hotspot from a user of the communications device (fig.1a-b: item 120 (location 114 and 104), col.3, lines 24-37 (detecting location of the cellular terminal));

sending a request over a cellular communications network to the cellular communications for verifying the trustworthiness of the wireless computer network service (fig.3a, col.2, lines 9-19; col.7, line 40 to col.8, line 23; verify that the cellular terminal is authorized to communicate with the telephone base station); and

on successful verification of the wireless computer network service (fig.3a, col.2, lines 9-19; col.7, line 40 to col.8, line 23; verify that the cellular terminal is authorized to communicate with the telephone base station), receiving a confirmation over the cellular communications network that the wireless computer network service is authenticated by the cellular communications service (fig.3a, col.2, lines 9-19; col.7, line 40 to col.8, line 23; verify that the cellular terminal is authorized to communicate with the telephone base station).

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Haartsen fails to specifically disclose the cellular communications service provider; and wireless computer network service provider.

However, Zhang teaches the cellular communications service provider (fig.1: ISP 1-n); and wireless computer network service provider (fig.1: item 120).

Therefore, it would have been obvious to one having ordinary skill in the art at the time invention was made to apply the teaching of Zhang to Haartsen to provide security enforcement for user.

Regarding claim 3, Haartsen teaches the wireless computer network service is a service running over infrastructure of the wireless hotspot (fig.1) and the provider of the wireless computer network service is not the provider of the wireless hotspot (fig.3a,, col.7, line 65 to col.8, line 14).

Regarding claim 4, Haartsen teaches the confirmation comprises a key enabling the communications device to use the wireless computer network service provided by the wireless computer network provider (fig.3a, col.7, line 65 to col.8, line 14).

Regarding claim 9, Haartsen teaches the indication of potential use is a positive request from the user (fig.3a, col.2, lines 9-19; col.7, line 40 to col.8, line 23; verify that the cellular terminal is authorized to communicate with the telephone base station).

Regarding claim 22, Haartsen teaches the confirmation that the provider of the service is authenticated is provided via a cellular communication link between the

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cellular communications service provider and the communications device (fig.3a, col.7, line 65 to col.8, line 14).

7. Claims 15-17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (U.S.Pat-5598459) in view of Lehtikoinen et al. (U.S.Pub-20020077060).

Regarding claim 15, Haartsen teaches a method for operating a cellular telecommunications provider, wherein the cellular telecommunications provider authorises a user to use a location-dependent wireless computer network service, the method comprising:

tracking the location of the user via a wireless communications device of the user (fig.1a-b: item 120 (location 114 and 104), col.3, lines 24-37 (detecting location of the cellular terminal));

authenticating a provider of the wireless computer network service (fig.3a, col.2, lines 9-19; col.7, line 40 to col.8, line 23; verify that the cellular terminal is authorized to communicate with the telephone base station); and

providing the authenticated provider of the wireless computer network service to the user (fig.3a, col.2, lines 9-19; col.7, line 40 to col.8, line 23; verify that the cellular terminal is authorized to communicate with the telephone base station).

Haartsen fails to specifically disclose location-dependent wireless computer network service; and determining that the user is within the vicinity of and outside of an operating range of the location-dependent wireless computer network service.

However, Lehtikoinen teaches location-dependent wireless computer network service ([0013] location-dependent); and determining that the user is within the vicinity of and outside of an operating range of the location-dependent wireless computer network service ([0013]-[0014]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lehtikoinen to Haartsen to provide a system which can automatically locate a user with greater precision than is currently available.

Regarding claim 16, Lehtikoinen further teaches receiving a request to use the location-dependent wireless computer network service by the user (abstract).

Regarding claim 17, Haartsen teaches authenticating the provider of the wireless computer network service commences prior to receiving the request (fig.3a, col.2, lines 9-19; col.7, line 40 to col.8, line 23; verify that the cellular terminal is authorized to communicate with the telephone base station).

Regarding claim 26, Lehtikoinen further teaches providing to the user additional wireless computer network services in the vicinity of the location of the user ([0013]-[0014]).

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (U.S.Pat-5598459), in view of Zhang et al. (U.S.Pub-20020174335), and further in view of Lehtikoinen et al. (U.S.Pub-20020077060).

Regarding claim 5, Haartsen and Zhang fail to specifically disclose sending location information representing the location of the communications device and information of the wireless computer network service to the cellular communications service provider.

However, Lehtikainen teaches sending location information representing the location of the communications device and information of the wireless computer network service to the cellular communications service provider (fig.7, [0038]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lehtikainen to Haartsen and Zhang to provide a system which can automatically locate a user with greater precision than is currently available.

Regarding claim 6, Lehtikainen further teaches receiving information concerning the location of one or more hotspots close to the user (fig.7, [0038]).

Regarding claim 7, Lehtikainen further teaches the indication of potential use is determination that the hotspot is within present (fig.7, [0038]) or future range of the user.

Allowable Subject Matter

9. Claim 8 and 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 10-14, 18-19, and 23-25 are allowed.

The following is an examiner's statement of reasons for allowance:

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Applicant's independent claim 10: The present invention is directed to a computer system for a cellular telecommunications provider, the independent claim identifies the patentably distinct feature, “receiving a request for authentication of at least one provider of the computer network services at the specified wireless hotspot from the communications device; identifying wireless computer network services available at the specified wireless hotspot; authenticating the at least one provider of the wireless computer network services available at the specified wireless hotspot responsive to the request from the communications device; and preparing authentication information for use by the communications device in communicating with the at least one wireless computer network”. Applicant's independent claim 10 comprises a particular combination of elements, which is neither taught nor-suggested by prior art.

Applicant's independent claim 14: The present invention is directed to a storage medium storing a computer-readable program code thereon, the computer-readable program code being arranged to cause a computer system of a cellular communications provider, the independent claim identifies the patentably distinct feature, “receive a request for authentication of at least one provider of the computer network services at the specified wireless hotspot from the communications device; identify wireless computer network services available at the specified wireless hotspot; authenticate the at least one provider of the wireless computer network services available at the specified wireless hotspot responsive to the request from the communications device; and prepare authentication information for use by the

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communications device in communicating with the at least one wireless computer network". Applicant's independent claim 14 comprises a particular combination of elements, which is neither taught nor-suggested by prior art.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AJIT PATEL/
Primary Examiner, Art Unit 2617

/Khai M Nguyen/

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